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UNCLAS SECTION 01 OF 02 PODGORICA 000247

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E.O. 12958: N/A
TAGS: [PGOV](#) [MW](#)
SUBJECT: MONTENEGRO'S NEW CONSTITUTION - REFERENDUM INCREASINGLY
LIKELY

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11. (SBU) SUMMARY: MONTENEGRO'S POLITICAL PARTIES REMAIN UNABLE TO CLOSE RANKS ON THE DRAFT CONSTITUTION. INCREASINGLY, IT APPEARS THAT 2/3 OF THE MEMBERS OF PARLIAMENT REQUIRED WILL NOT VOTE FOR THE SAME TEXT. THEY ARE SPLIT OVER "HERITAGE" ISSUES INCLUDING THE CONSTITUENT PEOPLES (IN THE PREAMBLE), PREDOMINANT LANGUAGE, NATIONAL SYMBOLS, AND THE STATUS OF THE ORTHODOX CHURCH. PASSAGE OF THE CONSTITUTION BY A BARE PARLIAMENTARY MAJORITY, WHICH LOOKS OBTAINABLE AFTER THE AUGUST/SEPTEMBER RECESS, WOULD REQUIRE A PUBLIC REFERENDUM, WHICH WOULD LIKELY BE HELD IN NOVEMBER AND REQUIRE A SIMPLE MAJORITY. END SUMMARY.

CONSTITUTION SNARLED ON EPHEMERA

12. (SBU) PARLIAMENTARIANS AND PARTY LEADERS HAVE RECENTLY STATED THAT "95%" OF THE DRAFT CONSTITUTION TEXT HAS BEEN AGREED, AND A "FINAL" TEXT IS TO BE FORWARDED TO THE ENTIRE PARLIAMENT BY THE END OF JULY, SHORTLY BEFORE IT RECESSES FOR AUGUST AND SEPTEMBER. THERE ARE GROWING INDICATIONS THAT IT MAY BE IMPOSSIBLE TO PASS THE CONSTITUTION WITHOUT RECOURSE TO A PUBLIC REFERENDUM, BY OBTAINING THE VOTES OF 2/3 OF THE PARLIAMENT (54 OF 81 SEATS) FOR THE TEXT. SPEAKER OF PARLIAMENT LET SLIP AT JULY 3 RECEPTION THAT THE CITIZENSHIP LAW WOULD BE INTRODUCED "AFTER THE REFERENDUM" PRESIDENT VUJANOVIC, DURING THE COURSE OF A JULY 13 NATIONAL DAY EVENT, NOTED THE STRONG POSSIBILITY OF A PUBLIC REFERENDUM IN NOVEMBER TO APPROVE THE TEXT. DPS PARTY PRESIDENT (AND FORMER PRIME MINISTER) MILO DJUKANOVIC HAS ALSO RECENTLY SPECULATED IN PUBLIC THAT A REFERENDUM WOULD BE NEEDED TO APPROVE THE CONSTITUTION. AT DINNER FOR VISITING ASSISTANT SECRETARY FRIED, SIX PARLIAMENTARIANS WERE EVENLY SPLIT OVER

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WHETHER IT WOULD BE POSSIBLE TO SECURE PARLIAMENTARY APPROVAL OF CONSTITUTION, WITHOUT RECOURSE TO A SUBSEQUENT REFERENDUM. THE STUMBLING BLOCKS/DEAL BREAKERS ARE THE ONES IDENTIFIED AT THE

VERY BEGINNING OF THE PROCESS: NATIONAL "HERITAGE" ISSUES, INCLUDING THE CONSTITUENT PEOPLES (IN THE PREAMBLE), PREDOMINANT LANGUAGE, NATIONAL SYMBOLS, AND THE STATUS OF THE ORTHODOX CHURCH. (THE LATTER ROLE IS DISPUTED BETWEEN THE SERBIAN ORTHODOX CHURCH (SOC), WHICH IS HEADED BY A NATIVE-BORN MONTENEGRIN, THE METROPOLITAN AMFILOHIJE), AND THE MONTENEGRIN ORTHODOX CHURCH (MOC), WHICH CLAIMS TO BE THE HEIR TO THE FORMER MOC WHICH WAS ABSORBED INTO THE SOC IN THE EARLY 1920S.) POST NOTES THAT COUNCIL OF EUROPE EXPERTS, LEAVING MONTENEGRO AFTER A THREE-DAY VISIT ON JULY 13, FELT IT NECESSARY TO UNDERScore PARLIAMENT'S EARLIER COMMITMENT TO ADOPT A TEXT IN LINE WITH COE STANDARDS SUGGESTING THAT GOVERNMENT ASSURANCES ASIDE, THE DOCUMENT MAY NOT YET MEASURE UP. THE COE'S VENICE COMMISSION ALSO ANNOUNCED IT WILL RETURN IN SEPTEMBER WITH AN EVALUATION OF THE DRAFT CONSTITUTION.

13. (SBU) AN ADDITIONAL BIND TO ADOPTION OF THE CONSTITUTION IN PARLIAMENT IS THE DEMAND OF THE OPPOSITION MOVEMENT FOR CHANGE (PZP), WHICH HAS STATED THAT IT WILL CAST ITS 11 VOTES FOR THE CONSTITUTION ONLY IF THERE IS A PROMISE TO CALL EARLY PARLIAMENTARY ELECTIONS (ELECTIONS WERE LAST HELD ON SEPTEMBER 10, 2006, WITH A FOUR-YEAR MAXIMUM TERM OF OFFICE). WITH THE RULING COALITION HAVING AT MOST 41 VOTES, AND THE OPPOSITION SERBIAN LIST RULING OUT ITS 12 VOTES FOR THE CONSTITUTION, THE STEADFASTNESS OF THE PZP TO ITS DEMAND IS CRITICAL, ESPECIALLY AS SOCIAL DEMOCRATIC PARTY (SDP) SUPPORT FOR THE RULING COALITION OF WHICH IT IS A PART REMAINS SOFT.

14. (SBU) IN THE OPPOSITION, THE CENTRIST, CIVIC SOCIALIST PEOPLE'S PARTY (SNP) CAN COMPENSATE FOR POSSIBLE DEFECTIONS IN THE SDP IN PARLIAMENTARY VOTING FOR THE CONSTITUTION. THE POSSIBILITY OF DEFECTIONS AMONG THE SDP MPS INCREASED AFTER THE PARTY SUCCESSFULLY DERAILED GOM POLICY ON ENERGY PRIVATIZATION, AND WOULD BE MOTIVATED BY THE SDP'S ESPOUSAL OF CONSTITUTIONAL PROVISIONS THAT WOULD ENHANCE THE "MONTENEGRIN" CHARACTER OF THE STATE.

15. (SBU) THE ETHNIC SERBIAN PARTIES (SERBIAN LIST WITH 12 SEATS, DEMOCRATIC SERBIAN PARTY (DSS) WITH ONE, AND PEOPLE'S PARTY (NS) WITH TWO) HAVE VAINLY SOUGHT GREATER CONSTITUTIONAL PROTECTIONS FOR THE ETHNIC SERBS IN MONTENEGRO, WHILE DISAVOWING "MINORITY" STATUS FOR SERBS (SERBS ARE 32% OF THE POPULATION, ACCORDING TO THE 2002 CENSUS). A CONTEMPORANEOUS EFFORT TO ALLOW MONTENEGRINS TO CLAIM DUAL SERBIAN CITIZENSHIP HAS RECENTLY ATTRACTED MORE SUPPORT FROM THE LOCAL ETHNIC SERBIAN PARTIES THAN DISCUSSIONS OF THE DRAFT CONSTITUTION. THE SERBIAN PARTIES

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WILL LIKELY ABSTAIN FROM THE PARLIAMENTARY VOTE, AND THE SERBIAN LIST HAS SAID IT WOULD CALL FOR A BOYCOTT OF A REFERENDUM.

16. (SBU) THE PARTIES MOST LIKELY TO VOTE FOR THE CONSTITUTION IN PARLIAMENT ARE THE DEMOCRATIC PARTY OF SOCIALISTS (DPS) WITH 33 MPS, SNP WITH 8, CROATIAN CIVIC INITIATIVE AND DEMOCRATIC UNION OF ALBANIANS (EACH WITH ONE), AND SOME MPS IN THE SDP -- A COMFORTABLE MAJORITY, BUT NOWHERE NEAR THE REQUIED TWO THIRDS. THE VARIOUS ETHNIC SERBIAN, BOSNIAK, AND OTHER ALBANIAN PARTIES HAVE EXPRESSED THE VIEW THAT THEIR GROUPS ARE INSUFFICIENTLY PROTECTED BY THE DRAFT. A PARLIAMENTARY VOTE ON THE DRAFT IS LIKELY IN LATE SEPTEMBER OR EARLY OCTOBER, AFTER THE SUMMER RECESS.

PUBLIC REFERENDUM

17. (SBU) WITH LESS THAN TWO-THIRDS OF THE PARLIAMENT VOTING FOR THE CONSTITUTION, A PUBLIC REFERENDUM WOULD BE REQUIRED TO RATIFY THE RESULT. UNDER THE PRESENT LAW, THE REQUIRED MINIMUM TURN-OUT IS 50% OF THE REGISTERED ELECTORATE, WITH 50% PLUS ONE OF VALID VOTES CAST REQUIRED TO BE IN FAVOR OF ADOPTION. (CONSIDERATION OF A NEW CITIZENSHIP LAW HAS BEEN POSTPONED UNTIL AFTER THE NEW CONSTITUTION ENTERS INTO FORCE.) PRESUMABLY, THE ELECTORAL ROLL USED WOULD BE THAT FROM THE SEPTEMBER 2006 PARLIAMENTARY ELECTION, UPDATED. MONTENEGRO HAS A GENERALLY GOOD TRACK RECORD ON ELECTORAL PROCESSES, ALTHOUGH USUALLY WITH STRONG INTERNATIONAL (PRIMARILY OSCE/ODHIR) OVERSIGHT.

COMMENT

18. (SBU) A NUMBER OF PARTIES, PARTICULARLY THE DPS, MAY BE INCREASINGLY WELCOMING A PUBLIC VOTE ON THE CONSTITUTION. A PUBLIC VOTE SIMULTANEOUSLY ABSOLVES THE MPS OF ACCEPTING COE STANDARDS -- WHICH TRANSFORM MONTENEGRO INTO A CIVIC STATE AT A PACE QUICKER THAN DESIRED BY SOME PARTIES -- WHILE AVOIDING NEED FOR MESSY COMPROMISES IN ORDER TO GET A 2/3 VOTE IN PARLIAMENT. MEANWHILE, THE ETHNIC SERBIAN PARTIES REMAIN WHERE THEY HAVE BEEN RELEGATED BY THE RULING PARTIES AND CENTRIST OPPOSITION -- ABSTAINING FROM THE PARLIAMENTARY VOTE AND CALLING FOR A BOYCOTT OF A POSSIBLE PUBLIC REFERENDUM. END COMMENT.

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